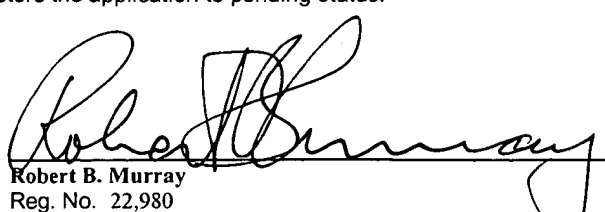


FORM PTO-1390 (REV 5-93)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE,	ATTORNEY DOCKET NO. 108026-00011 #4
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		DATE: February 19, 2002
		U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.5) 09/926,514
INTERNATIONAL APPLICATION NO. PCT/US00/06718	INTERNATIONAL FILING DATE 12 May 2000	PRIORITY DATE CLAIMED 13 May 1999
TITLE OF INVENTION: STRAINS OF BACTERIOPHAGE USEFUL FOR RESCUING PATIENTS INFECTED WITH VANCOMYCIN-RESISTANT ENTEROCOCCUS FAECIUM		
APPLICANT(S) FOR DO/EO/US: Carl R. MERRIL, Richard M. CARLTON, Sankar ADHYA		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED) 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input type="checkbox"/> A proper demand for International Preliminary Amendment was made by the 19th month from the earliest claimed priority date. 5. <input type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)] <ol style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> A translation of the International Application into English [35 U.S.C. 371(c)(2)]. 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)] <ol style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]. 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]. 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]. <p>Items 11 - 16 below concern other document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input type="checkbox"/> Other items or information: <input type="checkbox"/> CHECK NO. <input type="checkbox"/> Drawings (<input type="checkbox"/> sheets) 		

U.S. APPLICATION (IF KNOWN) SEE 37 C.F.R. 1.50) 09/926,514	INTERNATIONAL APPLICATION NO. PCT/US00/06718	ATTORNEY DOCKET NO. 108026-00011 DATE: February 19, 2002										
17. <input type="checkbox"/> The following fees are submitted: Basic National Fee [37 C.F.R. 1.492(a)(1)-(5)]: Search Report has been prepared by the EPO or JPO.....\$890.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482).....\$710.00 No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO [37 C.F.R. 1.445(a)(2)].....\$740.00 Neither international preliminary examination fee (37 C.F.R. 1.482) or international search fee [37 C.F.R. 1.445(a)(2)] paid to USPTO.....\$1,040.00 International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$ 100.00		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">CALCULATIONS</th> <th style="width: 40%;">PTO USE ONLY</th> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	CALCULATIONS	PTO USE ONLY								
CALCULATIONS	PTO USE ONLY											
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 0.00										
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)].		\$ 130.00										
Claims	Number Filed	Number Extra										
Total Claims	- 20 =	X \$ 18.00										
Independent Claims	- 3 =	X \$ 84.00										
Multiple dependent claim(s) (if applicable)		+ \$280.00										
TOTAL OF ABOVE CALCULATIONS =		\$ 130.00										
Reduction by one-half for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28).		\$ 0.00										
SUBTOTAL =		\$ 130.00										
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].		+										
TOTAL NATIONAL FEE =		\$ 130.00										
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property		+										
TOTAL FEES ENCLOSED =		\$ 170.00										
		Amount to be refunded										
		Charged										
a. <input checked="" type="checkbox"/> A check in the amount of \$170.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 01-2300 in the amount of \$ to cover the above fee. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-2300.												
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.												
SEND ALL CORRESPONDENCE TO: Arent Fox Kintner Plotkin & Kahn 1050 Connecticut Avenue, N.W. Suite 400 Washington, D.C. 20036-5339 Tel: (202) 857-6000 Fax: (202) 638-4810 RBM/aam												
 Robert B. Murray Reg. No. 22,980												



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/926,514	Carl R. Merrill	108026-00011

INTERNATIONAL APPLICATION NO.

PCT/US00/03718

I.A. FILING DATE	PRIORITY DATE
05/12/2000	03/13/2000

Robert B Murray
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue NW Suite 600
Washington, DC 20036-5339

CONFIRMATION NO. 6684

371 FORMALITIES LETTER



OC000000007318689

Date Mailed: 01/25/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 305-3653

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/926,514	PCT/US00/03718	108026-00011

BEST AVAILABLE COPY